

# MEETING SUMMARY

## **NACEPT Superfund Subcommittee**

November 5-7, 2003

Four Points Sheraton Hotel

Washington DC.



*Prepared by Meridian Institute  
November, 2003*

## **NACEPT Superfund Subcommittee**

November 5-7, 2003  
Four Points Sheraton Hotel,  
Washington DC.

---

The Superfund Subcommittee of the National Advisory Council for Environmental Policy and Technology (NACEPT) held its seventh meeting November 5-7, 2003 in Washington D.C. This document summarizes discussion topics and key decisions made during the meeting. The meeting was open to the public and audio recorded. Interested individuals and members of the press were present as observers. The Subcommittee's agenda designated several opportunities for public comment. A written transcript was prepared and is available through the Environmental Protection Agency's (EPA) Docket SFUND-2002-0005. Angelo Carasea, the Designated Federal Officer (DFO), is the primary point of contact for all public and press inquiries.

### **Objectives**

The November 5-7, 2003 meeting in Washington D.C. was intended to accomplish the following objectives:

- Establish a factual basis for gaining a common understanding of the mega site problem.
- Clarify the range of options that the Subcommittee feels should be the focus of the mega sites recommendations to EPA.
- Carefully review the Measuring Program Progress Recommendations, identify areas of agreement on the existing recommendations, clarify changes that need to be made to reach agreement and identify any critical gaps or new recommendations.
- Agree to the next steps for advancing the NPL section of the report.
- The Role of the NPL section of the document was not discussed at the meeting.

### **Introductions and Welcome**

Dr. Raymond Loehr, Chairman of the Subcommittee, opened the meeting and welcomed the Subcommittee members. He introduced John Ehrmann, the lead facilitator for the group, from Meridian Institute. Dr. Loehr summarized the Subcommittee's charge, its activity since the September 2003 meeting and the goals for the seventh meeting. The Introductory Statement was available as a handout and is included in Attachment A.

John Ehrmann, Meridian Institute Facilitator, reviewed the objectives of the morning session and provided context for the rest of the meeting and the draft report.

## **Megasites Work Session**

During the morning megasites work session, Dr. Elizabeth Southerland, EPA, presented updated information about the current state-of-affairs related to mega sites that are presently on the NPL. Her presentation focused in particular on data for sites that are fund-led. The following items were presented and discussed:

- Data regarding mega sites on the NPL (proposed, listed, deleted), including how they are defined, how data is entered and stored and difficulties associated with data;
- Trends in listings: percent of final listings, additions in recent years, distribution by region, distribution by site types, status within the pipeline; and
- Funding issues associated with mega sites (controls on the Agency's ability to reallocate resources once appropriated by Congress.)

Dr. Southerland concluded the presentation by reviewing EPA's current approach for dealing with these large, complex, and costly sites. Throughout the presentation, the group discussed with EPA what the data does or does not tell us.

The presentation and accompanying handouts are available electronically as separate documents.

Building on the data about megasites presented by EPA, the Subcommittee discussed policy issues and proposed recommendations to address key issues related to mega sites. Some of the main points raised by the subcommittee included the following:

- There is a diversity of site types in the mega site universe.
- No single site type dominates and in general the make up of mega sites is similar to the rest of the NPL.
- The cost drivers depend on the site. There are not specific drivers that should be addressed in isolation.

## **ATSDR and NIEHS discussion**

Dr. Henry Falk of ATSDR and Beth Anderson of NIEHS participated in the meeting to discuss with the Subcommittee the role of their respective agencies within the Superfund umbrella. The agencies had provided answers to specific questions raised by the Subcommittee that were intended to help illuminate the role of these two programs in fulfilling the responsibilities of the Superfund Program. Topics addressed included:

- Clarification of the budgets for these agencies;
- Coordination on how priorities are set;
- Community involvement in the work of the ATSDR;
- Coordination and information sharing between EPA and these two agencies; and
- Clarification of how the research agenda defined.

## **Discussion of the Subcommittee Draft Report**

Discussion of the draft report began on Wednesday afternoon and continued through Friday morning.

The next version of the report will be modified based on comments received from Subcommittee members in the meeting and in writing during and after the meeting. The following section summarizes the direction for the report that was established through the discussion at the meeting.

### ***Megasites***

The outline for the new Mega Sites Section will be as follows:

- I. Background and Context
- II. Defining Mega Sites
- III. Policy Options and Difficult Questions
- IV. Recommendations on Special Management Approaches

Meridian/Ross will be revising the Mega Sites section based on the presentations and discussion at the November meeting.

### **Policy-level Megasite Issues**

Several specific policy options were discussed. They will be refined based on feedback from the rest of the group. Scenarios will be included in the next iteration of the report as a means of capturing the range of view and corresponding options reflected on the Subcommittee.

### ***Measuring Program Progress***

The group discussed the revised section. The group agreed that Mike Tilchin will work with the Meridian/Ross staff to develop the next draft of national priority goals. The outline discussed for a revised MPP section is as follows:

- I. Introduction
- II. Primary list of national goals
  - Delisting
  - Construction complete
  - 3-4 other goals
- III. Additional measures of success that indicate how the program is working (to be used for the performance profiles)
- IV. Other management factors that have not received enough attention historically and therefore should be discussed (i.e. coordination with Tribal Nations, States and communities).

The next draft of the report will include a discussion of these and related issues.

### ***Other Issues and Recommendations Addressed at the Meeting***

The following issues and recommendations were also addressed at the meeting and will be considered as part of the report revision process.

- The Subcommittee addressed the prioritization of sites on the NPL for funding and the use of the term “risk” in the report.
- Section seven of the report will be revised to address the issues raised by the Subcommittee (ATSDR/NIEHS and Federal Facilities).
- Teenager Sites should be addressed in the report in some way.
- Segmentation of sites before and/or after listing will be addressed. The Subcommittee will review the draft prepared by Tom Newlon.
- The introduction to the report needs to better address the modifications the group made to the Charge
- Need to identify how much money from Superfund’s budget goes to other functions (GAO, ATSDR...). Do an assessment of who is charging what to the program.
- Sediment Sites and the need for a national sediment inventory – report to Congress. What technology has worked in the past? Understanding source control.

### **Public Comment**

Members of the public were invited to comment on perspectives and concerns regarding Superfund and the work of the Subcommittee. Testimonies are included in the meeting transcript, available at EPA Docket SFUND-2002-0005. The following individuals commented:

- Steve Nadeau, Sediment Management Working Group;
- Kerry Kelly, American Chemistry Council;
- Larry Silverman, Attorney, City of New Bedford;
- Pat Casano, GE; and
- Julie Wolk, U.S. PIRG

### **Schedule**

The following revised schedule was developed to define next steps and key milestones for the Subcommittee

Nov 7 – 24: Redrafting - Meridian/Ross will revise the report text based on input from the Subcommittee.

Nov 14: Deadline for Subcommittee’s written comments on the NPL section and the draft site prioritization write-up.

Nov 24: Circulate a fully revised and integrated December draft of the report.

Nov 24 – Dec. 8: Subcommittee review of revised December draft report.

Dec 9 – 11: Subcommittee meeting in D.C.

- Tuesday 9 AM – Thursday 12:30 PM

- Hilton - Crystal City
- Focus on remaining areas needing discussion
- Attempt to clarify areas of potential agreement/agree on how to proceed
- Attempt to better articulate differing points of view

Dec 15: Final comments on December draft due from Subcommittee members.

Dec 12 - Jan. 19: Redrafting based on written comments and discussion at the December meeting.

Jan 19: Circulate final Draft Report.

Feb 2: Comments due from members.

Month of Feb: Final polishing (Possible Meeting - Feb 11-12)

March 1: Circulate final report for sign-off.

March 15: Sign off completed.

March 31: Subcommittee work ends.

Spring: Formal submission to NACEPT.

### **Next Meetings**

The next meeting of the Subcommittee will be held at the Crystal City Hilton on December 9-11, 2003. The meeting agenda will focus the Subcommittee deliberations on the sections of the report needing clarification. We anticipate that the agenda will start at 9:00 am on Tuesday December 9<sup>th</sup> and end at approximately 12:30 pm on Thursday, December 11<sup>th</sup>.

An additional meeting of the Subcommittee may be needed in February. Subcommittee members have been asked to plan for a meeting February 11-12, 2004 in the event that an additional meeting is necessary.

The meeting adjourned on Friday, November 7, 2003 at approximately 12:10 p.m.

## ATTACHMENTS

---

- A. Meeting Introductory Information
- B. List of Presentations and Handouts
- C. List of Subcommittee Members and Staff in Attendance
- D. List of Observers

## **Attachment A – Meeting Introductory Information**

---

### **Introductory Information** NACEPT Superfund Subcommittee November 5-7, 2003 Meeting

The Superfund Subcommittee of the National Advisory Council for Environmental Policy and Technology (NACEPT) was established in June 2002 for the purpose of assisting EPA in identifying the future direction of the Superfund Program in the context of other federal and state waste and site cleanup programs. Specifically, the Subcommittee will review the relevant documentation and, to the extent possible, provide answers to questions that relate to: a) the role of the NPL, b) megasites, and c) measuring program performance. The Subcommittee will operate as, and be subject to, the requirements of a Federal Advisory Committee.

Membership on the committee represents a diversity of interests. Subcommittee members include senior-level decision-makers and experts from: academia, business and industry, community and environmental advocacy groups, state, local and tribal governments, environmental justice, and non-governmental and professional organizations. Dr. Raymond Loehr, Professor of Civil Engineering Emeritus at the University of Texas in Austin, is the chair of the Subcommittee.

The Subcommittee is working to accomplish its Charge through quarterly Subcommittee meetings and interim Work Group meetings over about an 18-month period. It is anticipated that a consensus report will result from the Subcommittee deliberations. However, where consensus cannot be reached, a written discussion of the views of Subcommittee members will be provided. As appropriate, the Subcommittee may also respond to issues in the form of “consultation,” i.e., dialogue, rather than a formal written report.

Interactive discussion and questioning for the purpose of probing an issue and clarifying a point will be encouraged. As such, any material developed by a Subcommittee member(s), any presentations by a Subcommittee member(s), or comments made by Subcommittee members at this and future meetings should neither be interpreted to reflect the current Subcommittee position on the subject under discussion, nor their future position as it may evolve over the course of deliberation. Additionally, the comments of an individual Subcommittee member should not be interpreted as positions of the EPA. The Subcommittee will deliberate thoroughly before developing consensus findings, conclusions or recommendations. Any report on the opinion of the group will undergo rigorous review by all Subcommittee members before it is considered final and transmitted to EPA.

## **Subcommittee Meetings**

To-date, the Subcommittee has held six meetings. Four were held in Washington D.C. (June 17-19, 2002; September 23-24, 2002 and January 7-8, 2003 and September 3-5, 2003), one was held in Phoenix, AZ on March 12-14, 2003, and one was held in New Bedford, MA on June 17-19, 2003. A summary of the meetings can be obtained via the EPA website at (<http://www.epa.gov/oswer/SFsub.htm>). Highlights from the most recent meeting are included below.

### **September 2003 Meeting**

The NACEPT Superfund Subcommittee held its sixth meeting September 5th through 7th, 2003 in Washington D.C. The meeting was open to the public. The main purposes of the meeting included the following:

- Provide an opportunity for the Subcommittee to review and discuss the August 03 draft report.
- Engage the full Subcommittee in discussions regarding recommendations.
- Identify any gaps in the recommendations being considered by the Subcommittee.
- Revise the schedule for the development of the Subcommittee's report.
- Provide an opportunity for public comment.

### **Summary of Activity Since Last Meeting**

Efforts during the period of time between the September and November 2003 meetings concentrated on revising the Draft NPL sections of the report and the Measuring Program Progress section of the report. Subcommittee members participated in work group efforts to address the following:

- The integration of Tribal nation, state and community concerns into the Measuring program progress recommendations.
- Revisions of the NPL background and recommendations.
- Planning for the mega sites informational pre-meeting session scheduled for the morning of November 5, 2003.

### **Objectives of the November 5-7, 2003 Meeting**

The November 5-7, 2003 meeting in Washington D.C. is intended to accomplish the following objectives:

- Establish a factual basis for gaining a common understanding of the mega site problem.
- Clarify the range of options that the Subcommittee feels should be the focus of the mega sites recommendations to EPA.
- Carefully review the Measuring Program Progress Recommendations, identify areas of agreement on the existing recommendations, clarify changes that need to

be made to reach agreement and identify any critical gaps or new recommendations.

- Agree to the next steps for advancing the NPL section of the report.
- Note: we will not be discussing the Role of the NPL section of the document at the meeting.

This is an open session for public record. Interested individuals and members of the press have been invited to attend as observers. The Subcommittee will be entertaining questions from the floor during the designated times on the agenda. Angelo Carasea, the Designated Federal Officer, will be available to assist reporters and other interested individuals who would like additional information. His contact information is available on the Roster at the registration table.

### **Future Meetings**

A meeting of the Subcommittee is planned in the Washington D.C. area on December 9-11, 2003. It is anticipated that the agenda will start around 9:00 am on the first day and end between noon and 1:00 PM on the third day.

## **Attachment B – Presentations and Handouts**

---

The following presentations and handouts are available electronically as separate documents:

1. Subcommittee Charge
2. October 03 Report Discussion Draft
3. Next Steps Summary
4. Elizabeth Southerland's Mega Sites presentation and handouts
5. Prioritization At Listed Sites handout
6. NIEHS Superfund Questions & Answers handout
7. ATSDR Response to NACEPT Superfund Subcommittee handout

## **Attachment C – List of Subcommittee Members and Staff in Attendance**

### **NACEPT SUPERFUND SUBCOMMITTEE MEETING FOUR POINTS SHERATON, WASHINGTON, D.C. NOVEMBER 5 – 7, 2003**

Raymond Loehr - Chairman  
University of Texas at Austin  
Civil Engineering Department  
19360 Magnolia Grove Square #405  
Landsdowne, VA 20176  
phone number: 703-858-1175  
fax number: 512-471-8449  
e-mail: r.loehr@mail.utexas.edu

Grant Cope  
Earthjustice  
705 Second Avenue  
Suite 203  
Seattle, WA 98104  
phone number: 206-343-7340 x25  
fax number: 206-343-1526  
e-mail: gcope@earthjustice.org

William Adams  
Kennecot Utah Copper Corporation  
5295 South 300 West, Suite 300  
Murray, UT 84107  
phone number: 801-743-4628  
fax number: 801-743-4670  
e-mail: william.adams@riotinto.com

James Derouin  
Steptoe & Johnson  
201 East Washington Street  
Suite 1600  
Phoenix, AZ 85004-2382  
phone number: 602-257-5237  
fax number: 602-257-5299  
e-mail: jderouin@steptoe.com

Sue Briggum  
Waste Management  
601 Pennsylvania Avenue NW  
North Building, Suite 300  
Washington, DC 20004  
phone number: 202-639-1219  
fax number: 202-628-0400  
e-mail: sbriggum@wm.com

Steve Elbert  
BP America, Inc.  
Group Environmental Management  
801 Warrenville Road, MC 8015  
Warrenville, IL 60532  
phone number: 630-434-6197  
fax number: 630-434-6359  
e-mail: elbertsa@bp.com

Doris Cellarius  
Sierra Club  
621 Park Avenue  
Prescott, AZ 86303  
phone number: 928-778-6724  
fax number: 253-830-7675  
e-mail: doris@cellarius.net

Jane Gardner  
General Electric  
Corporate Environmental Programs  
3135 Easton Turnpike  
Fairfield, CT 06431  
phone number: 203-373-2932  
fax number: 203-373-2683  
e-mail: jane.gardner@corporate.ge.com

Robert Hickmott  
Smith-Free Group  
1401 K Street NW  
Suite 1200  
Washington, DC 20005  
phone number: 202-626-6146  
e-mail: rhickmott@smithfree.com

Aimee Houghton  
Center for Public Environmental  
Oversight  
1101 Connecticut Avenue NW  
Suite 1000  
Washington, DC 20036  
phone number: 202-452-8039  
fax number: 202-452-8095  
e-mail: aimeeh@cpeo.org

Ken Jock  
St. Regis Mohawk Tribe  
Environment Division  
412 State Route 37  
Akwasasne, NY 13655  
phone number: 518-358-5937  
fax number: 518-358-3203  
e-mail: earth-kjock@northnet.org

Gary King  
State of Illinois  
Illinois Environmental Protection  
Agency  
1021 North Grand Avenue East  
Springfield, IL 62794  
phone number: 217-782-0245  
fax number: 217-557-4231  
e-mail: gary.king@epa.state.il.us

Ed Lorenz  
Alma College  
Departments of History and Political  
Science  
614 West Superior Street  
Alma, MI 48801-1590  
phone number: 989-463-7203  
e-mail: lorenz@alma.edu

Mildred McClain  
Harambee House, Inc.  
720 Maupaus Avenue  
Savannah, GA 31401  
phone number: 912-233-0907  
fax number: 912-233-5105  
e-mail: cfej@bellsouth.net

Tom Newlon  
Stoel Rives  
600 University Street  
Suite 3600  
Seattle, WA 98101  
phone number: 206-386-7677  
fax number: 206-386-7500  
e-mail: tanewlon@stoel.com

Lindene Patton  
Zurich North America  
Zurich U.S. Specialties  
1027 Utterback Store Road  
Great Falls, VA 22066  
phone number: 703-406-2689  
e-mail: lindene.patton@zurichna.com

Victoria Peters  
State of Colorado  
Attorney General's Office  
1525 Sherman Street  
Denver, CO 80215  
phone number: 303-866-5068  
fax number: 303-866-3558  
e-mail: vicky.peters@state.co.us

Kate Probst  
Resources for the Future  
1616 P Street NW  
Washington, DC 20036  
phone number: 202-328-5061  
e-mail: probst@rff.org

Ed Putnam  
State of New Jersey  
Department of Environmental Protection  
P.O. Box 413  
401 East State Street, 6th Floor  
Trenton, NJ 08625-0028  
phone number: 609-984-2990  
fax number: 609-777-1914  
e-mail: eputnam@dep.state.nj.us

Catherine Sharp  
State of Oklahoma  
Department of Environmental Quality  
707 North Robinson  
P.O. Box 1677  
Oklahoma City, OK 73101-1677  
phone number: 405-702-5151  
fax number: 405-702-5101  
e-mail: catherine.sharp@deq.state.ok.us

Alexandra Shultz  
Mineral Policy Center  
Legislative and Regulatory Affairs  
1612 K Street NW  
Washington, DC 20006  
phone number: 202-887-1872 x212  
e-mail: lshultz@mineralpolicy.org

Mel Skaggs  
InDepth Environmental Associates  
320 West Highland  
Southlake, TX 76092  
phone number: 817-421-6633  
fax number: 817-421-6644  
e-mail: mmsnsl@aol.com

Richard Stewart  
New York University School of Law  
40 Washington Square South  
New York, NY 10012  
phone number: 212-998-6170  
fax number: 212-995-4590  
e-mail: stewartr@juris.law.nyu.edu

Wilma Subra  
Louisiana Environmental Action  
Network  
3814 Old Jeanrette Road  
New Iberia, LA 70562  
phone number: 337-367-2216  
e-mail: subracom@aol.com

Michael Tilchin  
CH2M Hill  
555 11<sup>th</sup> Street, N.W.  
Suite 525  
Washington, DC 20004  
phone number: 202-393-2426 x581  
fax number: 202-783-8410  
e-mail: mtilchin@ch2m.com

Jason White  
Cherokee Nation  
Office of Environmental Services  
P.O. Box 948  
115 West North Street  
Tahlequah, OK 74464  
phone number: 918-458-5498  
e-mail: jwhite@cherokee.org

### **Designated Federal Officer**

Angelo Carasea  
U.S. Environmental Protection Agency  
Office of Emergency and Remedial  
Response  
1200 Pennsylvania Avenue NW  
MC 5204G  
Washington, DC 20460  
phone number: 703-603-8828  
fax number: 703-603-9104  
e-mail:  
carasea.angelo@epamail.epa.gov

### EPA Representatives

Barry Breen  
U.S. Environmental Protection Agency  
Office of Solid Waste and Emergency  
Response  
1200 Pennsylvania Avenue NW  
MC 5101T  
Washington, DC 20460  
phone number: 202-566-0200  
fax number: 202-566-0207  
e-mail: breen.barry@epa.gov

Lawrence Starfield  
U.S. Environmental Protection Agency  
Region 6  
Fountain Place, 12th Floor, Suite 1200  
1445 Ross Avenue  
Dallas, TX 75202-2733  
phone number: 214-665-2100  
fax number: 214-665-6648  
e-mail: starfield.lawrence@epa.gov

### **Facilitation Staff**

#### **Meridian Institute – Dillon, CO**

John Ehrmann  
Meridian Institute  
P.O. Box 1829  
Dillon, CO 80435  
phone number: 970-513-8340 x203  
fax number: 970-513-8348  
e-mail: jehrmann@merid.org

Molly Mayo  
Meridian Institute  
P.O. Box 1829  
Dillon, CO 80435  
phone number: 970-513-8340 x310  
fax number: 970-513-8348  
e-mail: mmayo@merid.org

Holly Dobson  
Meridian Institute  
P.O. Box 1829  
Dillon, CO 80435  
phone number: 970-513-8340 x204  
fax number: 970-513-8348  
e-mail: hdobson@merid.org

#### **Ross & Associates Environmental Consulting, Ltd.**

Elizabeth McManus  
Ross & Associates Environmental  
Consulting, Ltd.  
Seattle Tower Suite 1207  
1218 Third Avenue  
Seattle, WA 98101  
phone number: 206-447-1805  
fax number: 206-447-0956  
e-mail: elizabeth.mcmanus@ross-  
assoc.com

## **Attachment D - List of Observers and Public Comments**

---

### **NACEPT Superfund Subcommittee November 5 – 7, 2003**

#### **Public Comment:**

- Steve Nadeau, Sediment Management Working Group;
- Kerry Kelly, American Chemistry Council;
- Larry Silverman, Attorney, City of New Bedford;
- Pat Casano, GE;
- Julie Wolk, U.S. PIRG

#### **Public Observers:**

- Pat Casano, GE
- Teresa Gorman, National Sediment Coalition
- Brenda Anderson, Ashland
- Steve Caldwell, USEPA
- Beth Anderson, NIEHS
- Alice Ludington, USEPA
- Kerry Kelly, American Chemistry Council;
- Jamie Meuwissen, GAO
- William O. Ross, USEPA
- Ashley Jeffress, DynCorp
- Meredith Preston, BNA Inc.
- Scott Alfonse, City of New Bedford
- Bruce Engelbert, EPA
- Larry Silverman, Attorney, City of New Bedford;
- Pat Casano, GE;
- Julie Wolk, U.S. PIRG
- Jean Martin, BP
- Steve Jones, ATSDR
- Kris Swanson, ASTSWMO
- JW Dunlap